REMARKS

Claims 11-14 have been rejected under 35 USC 103(a) as unpatentable over Haavisto. The rejection is respectfully traversed.

The Examiner states that Haavisto discloses the claimed invention, except "a recognition probability...the recognition probability of other acoustic objects." However, the Examiner now contends that this feature is well-known in the art and disclosed in the prior art of Haavisto, referring to col. 2, lns. 28-39 (which references US Pat. No. 5,222,121 to Shimada). Applicants respectfully disagree.

As an initial matter, we note that the Examiner has repeatedly stated that Haavisto fails to disclose the claimed feature, and has cited secondary prior art, such as Shimada (which has been overcome in previously filed responses), in its place (see, for example, the Office Action dated 9/16/2005, page 3, second paragraph, stating Haavisto fails to disclose this feature and citing Shimada as the secondary reference). Hence, the Examiner has seemingly withdrawn the prior rejection of record (which was Haavisto in combination with Shimada), and now applies Haavisto, with the prior art of Haavisto (which prior art is simply Shimada). Applicants therefore maintain that the Examiner's Office Action is non-responsive to the RCE and Amendment filed August 9, 2006, and is unnecessarily delaying prosecution of this application. Applicants therefore respectfully request that the Examiner issue a new, non-final Office Action fully responding to the arguments of record, or pass this case to allowance.

Assuming *arguendo* that the Examiner believes his Office Action to be appropriate, the applied prior fails to disclose the claimed invention. The prior art (Shimada) of Haavisto refers to lower candidates, lower-place candidates- i.e. first, second an third place candidates- without clearly stating how these candidates are characterized to implement the invention (i.e. does not clearly indicate the "use of the next lower candidate" in the case of a misrecognized utterance). Specifically, Shimada fails to teach or suggest which way the order that apparently exists between first, second and third place candidates could be defined. That is, there is no disclosure that teaches one having skilled in the art how to determine the order of the candidates.

Since the recited structure is not disclosed by the applied reference, claims 11-14 are patentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122005700.

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Respectfully submitted,

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